

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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Attorneys for Secured Creditor

MidFirst Bank



Order Filed on May 30, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

In Re:

Joseph W. Bendy III, Shannon Driber-Bendy,

Debtors.

Case No.: 16-16726 CMG

Adv. No.:

Hearing Date: 5/15/19 @ 9:00 a.m.

Judge: Christine M. Gravelle

**ORDER CURING POST-PETITION ARREARS AND RESOLVING SECURED  
CREDITOR'S MOTION FOR RELIEF FROM STAY**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby  
**ORDERED.**

**DATED: May 30, 2019**

A handwritten signature in black ink that reads "Christine M. Gravelle". The signature is written in a cursive, flowing style.

Honorable Christine M. Gravelle  
United States Bankruptcy Judge

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Debtors: Joseph W. Bendy III, Shannon Driber-Bendy

Case No: 16-16726 CMG

Caption of Order: ORDER CURING POST-PETITION ARREARS AND RESOLVING SECURED CREDITOR'S MOTION FOR RELIEF

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This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, MidFirst Bank, Denise Carlon, Esq. appearing, upon a motion to vacate the automatic stay as to real property located at 5 Bayleaf Drive, Lumberton, NJ 08048, and it appearing that notice of said motion was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Secured Creditor and Moshe Rothenberg, Esq., attorney for Debtors, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that as of May 7, 2019 Debtors are in arrears outside of the Chapter 13 Plan to Secured Creditor for payments due October 2018 through May 2019 for a total post-petition default of \$11,360.21 (3 @ \$1,408.11, 5 @ \$1,452.80, less suspense \$128.12); and

It is further **ORDERED, ADJUDGED and DECREED** that the Debtor will make an immediate payment of \$2,000.00 by May 31, 2019; and

It is further **ORDERED, ADJUDGED and DECREED** that the balance of the arrears in the amount of \$9,360.21 shall be added to the affidavit of amount due and paid through Debtors' Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that debtors shall file a modified plan within twenty days of this order; and

It is further **ORDERED, ADJUDGED and DECREED** that regular mortgage payments are to resume June 1, 2019, directly to Secured Creditor, Shellpoint Mortgage Servicing, P.O. Box 10826, Greenville, SC 29603-0826 (Note: the amount of the monthly mortgage payment is subject to change according to the terms of the note and mortgage); and

It is further **ORDERED, ADJUDGED and DECREED** that for the Duration of Debtor's Chapter 13 bankruptcy proceeding, if the lump sum payment or any regular monthly mortgage payments are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtors shall have fourteen days to respond; and

It is further **ORDERED, ADJUDGED and DECREED** that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtor, and Debtor's counsel at the time of submission to the Court; and

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Debtors: Joseph W. Bendy III, Shannon Driber-Bendy

Case No: 16-16726 CMG

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It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor is hereby awarded reimbursement of fees and costs in the sum of \$350.00 for attorneys' fees and \$181.00 for filing fees, totaling \$531.00, which is to be paid through Debtor's Chapter 13 plan;

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor's Motion for Relief is hereby resolved.

**Certificate of Notice Page 4 of 4**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Joseph W Bendy III  
Debtor

Case No. 16-16726-CMG  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: May 30, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 01, 2019.

db +Joseph W Bendy III, 5 Bayleaf Drive, Lumberton, NJ 08048-4228

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 01, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 30, 2019 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com  
Albert Russo docs@russotrustee.com  
Denise E. Carlon on behalf of Creditor MIDFIRST BANK dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Kevin Gordon McDonald on behalf of Creditor MIDFIRST BANK kmcdonald@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Moshe Rothenberg on behalf of Debtor Joseph W Bendy III moshe@mosherothenberg.com,  
alyson@mosherothenberg.com;ajohn880@gmail.com  
Rebecca Ann Solarz on behalf of Creditor MIDFIRST BANK rsolarz@kmlawgroup.com  
Steven P. Kelly on behalf of Creditor Finance of America Mortgage LLC  
skelly@sterneisenberg.com, bkecf@sterneisenberg.com

TOTAL: 7